

Government Administration, Rules, Ethics & Audit Meeting Summary
February 26, 2007
4:00 p.m.
City Hall, Third Floor

Present: **Chair:** **Kelly Downard**
 Vice Chair: **Tina Ward-Pugh**
 Members: **Bob Henderson, Glen Stuckel**
 Marianne Butler, Kevin Kramer, Judy Green (4:15)

Also Present: **President Rick Blackwell, James Peden, Hal Heiner**

CM Downard called the meeting to order at 4:07 and recognized the members and non-members present. A quorum was established.

SPECIAL ITEMS FOR DISCUSSION: Sunset Ordinance Update

CM Downard distributed a copy of a schedule. Since the last meeting, the entire set of ordinances has been reviewed for accuracy. Revised schedule will be out next week. Two schedules will be distributed on the Wednesday of Council Week after the Committee on Committees meets on Tuesday. There will be an electronic schedule sent and updated with Committee assignment and completion date.

The schedule reflects the following as far as timing. ([Attached](#))

1. Now – means it has had first reading at 2/22 meeting
2. March 8 – means item sent to the Clerk for first reading
3. Schedule – means they are targeted to be ready by March 8

- If all goes well, 20 chapters will be in committee with 17 waiting.
- Many are coming to Government Administration.
- Majority of them are short but Chapter 32 and 34 and 36 are larger.
- Planning and zoning has next largest number of pages.
- Public Safety has the most chapters but majority are under 10 pages.
- He wants this committee to get its work done early so it can back up others that might be overloaded.

Pending Legislation

O-244-12-06 AN ORDINANCE AMENDING SECTIONS 156.051(B), 156.052(A), 156.055(D) AND 51.500 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("CODE") MAKING IT THE SOLE RESPONSIBILITY OF A LANDOWNER TO ENSURE THAT HIS OR HER PREMISES IS FREE OF WEEDS AND PROHIBITED PLANT GROWTH, THAT THE EXTERIOR OF THE PROPERTY IS KEPT IN A CLEAN, SAFE AND SANITARY CONDITION, AND THAT A CONTRACT IS IN PLACE AND MAINTAINED FOR THE DISPOSAL OF SOLID WASTE.

A motion to untable by CM Henderson was seconded by CW Butler. The item was untabled without objection.

CM Downard reviewed the history of this ordinance.
Pat Mulvihill, Assistant Jefferson County Attorney, was present to speak to the item.

Concerns raised at last meeting for landlords responsibilities

The following was added in Section 156.051 (B) (1)

- (1) ***Cleanliness.*** Every occupant of a structure or part thereof shall keep that part of the structure or premises which that occupant occupies, controls, or uses in a clean, safe and sanitary condition, and in the case of a single-family structure, the ~~occupant~~ owner shall keep the premises free of all weeds and prohibited plant growth, as defined in § 156.052(D), to the center line of such street, easement or alley as are adjacent to or abut the premises. Nothing in this Section shall invalidate a lease provision. The Metro Government hereby declares that plant growth in excess of the length permitted under §156.052(D) materially affects public health and safety and creates an emergency condition which allows a landlord to enter immediately upon the premises of a tenant as provided by §151.33(B) solely to remedy such condition.

CM Henderson motioned approval of the above underlined amendment and CW Butler seconded the motion. The motion passed unanimously.

Discussion items

- It allows owners to pass onto tenants the responsibility of cutting the grass.
- Provision allows for an emergency condition which allows owner to immediately rectify the situation.
- Clarification was requested on whether we would have to amend the sunset ordinance (Chapter 156) that is currently in committee with this provision.
- Mr. Mulvihill suggested a means to accept this ordinance and not conflict with the other Chapter 156 ordinance.
- There is urgency to pass this item. Chapter 156 is much larger and may take more time.
- The change will be made in the ordinance in Transportation tomorrow.

The section entitled (5) "Rubbish storage facilities" will remain as it is in the original ordinance with the occupant having responsibility.

The motion to strike section 5 was properly moved and seconded. This amendment passed unanimously.

Motion to strike Section II – Section 156.055(D) was made by CW Ward-Pugh and seconded by CW Butler. **Motion was approved unanimously.**

CM Heiner concerns were centered around ground leases and their affect on owners and occupant responsibility concerning commercial and industrial establishments. He proposed that Section 51.500 should contain language that puts the responsibility on the occupant rather than the owner.

Bill Schreck, Director of the Department of Codes and Regulations, spoke to this item. Commercial and industrial issues are handled by Solid Waste. Keith Hackett, Division Director of SWMS, was also present.

After a thorough discussion the decision was made to include the words "and occupant" in Section A and in Section B as follows:

- (A) It shall be the duty of the owner ~~and occupant~~ of every residence and the owner and occupant of every commercial or industrial establishment to provide for not less frequent than weekly disposal of all solid waste generated by either:

A motion by CW Green and second by CM Stuckel on Part A was approved unanimously.

And further:

- (B) The owner ~~and occupant~~ of said residence or the owner and occupant of said commercial or industrial establishment that does not have use of a municipally-provided solid waste collection and disposal service must be able to produce evidence of compliance with subsection (A)(1) above in the form of a paid receipt from the solid waste collection and disposal service employed by the owner and/or occupant, as the case may be.

A motion by CM Stuckel and second by CW Butler amended Part B as noted. The motion passed unanimously.

CM Stuckel requested that the title be amended as well. Mr. Mulvihill will comply.

The ordinance as amended was properly moved by CM Kramer and seconded by CW Green and approved unanimously. The item will go to **Old Business** on the March 8, 2007 Council Agenda.

Without objection the meeting adjourned at 5:00 PM.

kjh

R-113-8-06 A RESOLUTION AMENDING SECTION 12 OF THE LOUISVILLE METRO COUNCIL POLICIES AND PROCEDURES TO ESTABLISH COMPENSATION ADMINISTRATION GUIDELINES. (Reintroduced 2-8-07)

Discussion: This item was not discussed.

O-41-02-06 AN ORDINANCE CREATING AN ANIMAL WELFARE/CONTROL ADVISORY BOARD. (Reintroduced 2-8-07)

Discussion: This item was not discussed.

Motion to Adjourn was made by Robert Henderson and seconded by Marianne Butler

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting March 8, 2007.**